

The subject matter jurisdiction of the federal district courts is limited and is set forth generally at 28 U.S.C. §§ 1331 and 1332. Under those statutes, federal jurisdiction is available only when a “federal question” is presented or the parties are of diverse citizenship and the amount in controversy exceeds \$75,000. “For jurisdiction to exist under 28 U.S.C. § 1332, there must be

complete diversity between the parties, which is to say that the plaintiff may not be a citizen of the same state as any defendant.” *Bush v. Butler*, 521 F. Supp. 2d 63, 71 (D.D.C. 2007) (citing *Owen Equip. & Erection Co. v. Kroger*, 437 U.S. 365, 373-74 (1978)).

It is a “well-established rule” that the diverse citizenship requirement be “assessed at the time the suit is filed.” *Freeport-McMoRan, Inc. v. K N Energy, Inc.*, 498 U.S. 426, 428 (1991). The complaint provides no basis for diversity jurisdiction because plaintiff and defendants are all located in the District. *See Morton v. Claytor*, 946 F.2d 1565 (D.C. Cir. 1991) (Table) (“Complete diversity of citizenship is required in order for jurisdiction to lie under 28 U.S.C. § 1332.”); *Bush v. Butler*, 521 F. Supp. 2d 63, 71 (D.D.C. 2007) (“For jurisdiction to exist under 28 U.S.C. § 1332, there must be complete diversity between the parties, which is to say that the plaintiff may not be a citizen of the same state as any defendant.”). Both parties reside in the District, therefore, there is no diversity of citizenship.

The complaint also fails to present any federal question under 28 U.S.C. § 1331. A party seeking relief in the district court must at least plead facts that bring the suit within the court’s jurisdiction. *See Fed. R. Civ. P. 8(a)*. Failure to plead such facts warrants dismissal of the action. *See Fed. R. Civ. P. 12(h)(3)*. Consequently, this case will be dismissed. A separate order accompanies this memorandum opinion.

\_\_\_\_\_/s/\_\_\_\_\_  
Emmet G. Sullivan  
United States District Judge

DATE: June 1, 2020